

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KLAUS NJI,

Plaintiff,

v.

SMARTSHEET, INC,

Defendant.

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CIVIL NO. A-25-CV-00324-ADA

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Dustin M. Howell. ECF No. 17. The report recommends Defendant’s Motion to Dismiss pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) (ECF No. 12) be **GRANTED-IN-PART** and **DENIED-IN-PART**. The report and recommendation was filed on May 14, 2025.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

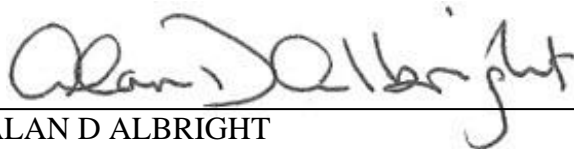
When no objections are timely filed, a district court reviews the magistrate judge’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 Advisory Committee’s Note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The Court has reviewed the report and recommendation and finds no clear error.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Howell (ECF No. 17) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (ECF No. 12) is **GRANTED-IN-PART** and **DENIED-IN-PART** in accordance with the Report and Recommendation. That is, Defendant's Motion is **DENIED** with respect to Plaintiff's FMLA retaliation claim and **GRANTED** with respect to all of Plaintiff's other claims.

IT IS FURTHER ORDERED that Plaintiff's motion to amend his complaint as to his FMLA retaliation claim is **GRANTED**.

SIGNED this 17th day of June, 2025.

A handwritten signature in black ink, reading "Alan D Albright", is written over a horizontal line.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE